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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 MICHAEL A. HARTSELL,
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13 vs. Plaintiff,
14 COUNTY OF SAN DIEGO, et al.,
15 Defendants.

CASE NO. 16cv1094-LAB (JMA)
**ORDER DISCHARGING ORDER
TO SHOW CAUSE**

16 The Court discharges the order to show cause for failure to prosecute since Michael
17 Hartsell filed a brief stating he wants to proceed with his case. Defendants previously
18 represented that Hartsell wanted the Court to stay the case for five years until his release
19 from prison. The Court cautions Hartsell that it won't stay the case and that there's no right
20 to counsel in civil proceedings. *Hedges v. Resolution Trust Corp.*, 32 F.3d 1360, 1363 (9th
21 Cir. 1994). Courts only appoint counsel in rare cases that present "exceptional
22 circumstances." *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). If Hartsell doesn't
23 dismiss the case, then he must prepare to litigate it on his own. The magistrate judge shall
24 reschedule an early neutral evaluation conference. Hartsell must file a memorandum with
25 his prison address by August 18, 2017.

26 **IT IS SO ORDERED.**

27 DATED: 8.7-17

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HONORABLE LARRY ALAN BURNS
United States District Judge